REMARKS

This responds to the Final Office Action mailed on August 20, 2008.

Claims 1, 17, and 19 are amended, claim 15 is canceled, and no claims are added; as a result, claims 1, - 8, 10-13, 17, 19 - 23, 25 – 26, 29 - 36 and 38 are now pending in this application.

§103 Rejection of the Claims

Claims 1, 3, 5-8, 10-13, 15, 17, 19-23, 36 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,89 hereinafter referred to as the Abecassis reference) in view of Kwoh et al. (U.S. Patent No. 6,226,793 hereinafter referred to as the Kwoh reference).

Claims 4 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 1, and further in view of Maybury et al. (U.S. Patent No. 6,961,954).

Claim 25 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 19, and further in view of Eyer (U.S. Patent No. 6,483,547).

Claim 26 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 19, and further in view of Beckman et al. (U.S. Patent No. 6,675,388).

Claim 29 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 19, and further in view of Elenbaas et al. (U.S. Patent Application Publication No. 2005/0028194).

Claims 30, 32 and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 19, and further in view of Ahmad et al. (U.S. Patent No. 6,880,171).

Claims 31 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Abecassis (U.S. Patent No. 6,011,895) in view of Kwoh et al. (U.S. Patent No. 6,226,793) as applied to claim 19, and further in view of Gove (U.S. Patent No. 5,099,322).

Before directly addressing the Examiner's rejections under 35 U.S.C. § 103(a), a brief review of the present disclosure is desirable. Independent Claims 1, 17, and 19 are directed to a method and system for receiving, decoding, and storing a plurality of video segments from a continuous video stream. In the claimed systems, the encoded video stream comprises a continuous series of video segments wherein each video segment is encoded with markers and tags. The markers define divisions between the individual video segments that comprise the continuous video stream. The tags are each associated with video segment and describe the content of the associated video segment.

In the claimed system, a receiver system decodes the tags and markers for each video segment and stores those tags and markers into a database. The plurality of individual video segments from the video stream, as identified by the markers, are stored into a video storage in the system. The claimed system then identifies preferred video segments from the video storage by comparing the tags describing the video segments with video preferences of a viewer and stores an indication of the preferred video segments in the database containing the tags and markers. An illustration of one embodiment of such a database is illustrated in **Figure 5** of the present application. The selected video segments (as indicated in the database) may then be viewed by the user or downloaded. Independent Claims 1, 15, 17, and 19 all include limitations of receiving a video stream comprising a continuous series of video segments, decoding the markers that divide the video segments, decoding the tags that describe the video segments, storing the video segments in video storage, comparing the tags in the database against the video preferences of a user to select preferred video segments, and storing an indication of the preferred video segments in the database.

The Play Time Comparison of Abecassis Reference

In the office action dated August 20, 2008, the Examiner contends that a combination of the Abecassis with the Kwoh reference renders the claimed invention obvious. The Abecassis reference discloses a keyword responsive variable content video program system. The system of the Abecassis reference is largely a video disk player **601** that is capable of accessing a content map in order to skip over video segments depending on user content preferences. (See Abstract

of the Abecassis reference) In order to operate properly, the system of the Abecassis reference accesses the content map at play time such that the control program **621** of the video disk player **601** can compare the content map with the viewer preferences. The description of this procedure is set forth in lines 51 to 57 of column 10 and lines 15 to 23 if column that state:

> **Upon a "play" command, the control program causes the retrieval 631 of the program specific routines 632, and program content map 633 from the video/data disk.** The disk contains the map of the program segments, any user interface routines particular to the program, and player control codes, in a format similar to that required by the actual program contained therein.
> ...
> **The control program 621 generates a segment table 622 based on the integration of the video program's content map 633 and the viewers preference structure.** The segment table provides the segment scheduler 623 the data to cause the ordered retrieval of only the video segment consistent with the viewer preferences. The video segments are then transmitted in a transparently continuous manner 615 through the monitor interface 616 to the monitor 617.

Thus, in the system of the Abecassis reference, each time a user presses "play" the system initiates a sequence to obtain the content map **63** and then compare the viewer preference structure **651** with the content map **63**. In effect, the system of the Abecassis reference must perform a real-time comparison of viewer the preference structure **651** with the content map **63**. Such an architecture limits the capabilities of the system because any real-time system cannot be very complicated without causing the video to stutter or pause.

The Stored Comparison of the Present Application

The claimed embodiment of the present application operates in a different manner, in the presently claimed system, the system compares the tags of each video segment against the user preference information and then stores a result of the comparison in a database. For example, amended independent claim 1 requires:

> using video preference information of a viewer to select preferred video segments from said video storage by comparing said tags describing the content of each video segment stored in said database with said video preference information of said viewer; and
> storing an indication of preferred video segments in said database.

An example of this can be seen in **Figure 5** that illustrates a schematic block diagram of a video segment database. Specifically, the right-most column in the database of **Figure 5** illustrates an

example embodiment of an indication of preferred video segments. By storing the results of the comparison in the video segment database, more complicated comparisons may be performed off-line and stored in the video segment database. For example, the system may consider a keyword entered by a user, and then look up synonyms for that keyword, and then select or exclude those video segments that include synonyms of the user's keyword. Such as system could be economically created without having an off-line system that allows for enough time to do such look-ups. An attempt to create a real-time system would cause the video stutter and pause as the system looked up synonyms for a user keyword then compared all those synonyms. Furthermore, the system of storing an indication of preferred video segments in said database may be expanded as illustrated in **Figure 5** wherein certain "mandatory" video segments may be inserted in order to have the user watch advertisements.

As set forth in the preceding section, the Abecassis reference accesses the content map anew each time the play button is pressed. Such a system must then perform the comparison between the content map and the user preferences needed to select the preferred video segments at that time. This type of design prevents complex comparisons from being performed since the system must make the comparisons in real-time. Since the system of the Abecassis reference does not perform the comparison and then store an indication of preferred video segments into a the database, as claimed by all the amended claims of the present application, the Abecassis reference does not anticipate or render the presently claimed invention obvious.
The system of the Kwoh reference adds the insertion of tags and markers to a video stream. However, the system of the Kwoh reference and the other references cited by the Examiner fail to disclose the storing of an indication of preferred video segments into a database as claimed by the independent claims 1, 17, and 19 of the amended application. Similarly, all the dependent claims dependent on independent claims 1, 17, and 19 include all the limitations of the independent claims and are thus likewise allowable.

Added Claims

Claims 72 and 73 have been added to claim another video segment classification that may be stored in the video segment database.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (408) 278-4058 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(408) 278-4058

Date 11/20/2008

By / Dag H. Johansen /
Dag H. Johansen
Reg. No. 36,172

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 20 day of ~~September~~ November, 2008.

John D. Gustav-Wrathall
Name
Paralegal
Schwegman, Lundberg & Woessner

Signature